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15540 U.S. PTO

PTO/SB/05 (01-04)

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|                        |  |
|------------------------|--|
| Attorney Docket No.    | 021630-004500US  |
| First Inventor         | Whirley, Robert G.   |
| Title                  | INFLATABLE POROUS IMPLANTS<br>AND METHODS FOR DRUG<br>DELIVERY |
| Express Mail Label No. | EV 332106920 US  |

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| APPLICATION ELEMENTS<br><small>See MPEP chapter 600 concerning utility patent application contents.</small>  |                                     | ADDRESS TO<br><small>Mail Stop Patent Application<br/>Commissioner for Patents<br/>P.O. Box 1450<br/>Alexandria, VA 22313-1450</small>  |                                |                                       |                                     |   |                                |   |  |  |                 |
|--|-------------------------------------|---|--------------------------------|---------------------------------------|-------------------------------------|---|--------------------------------|---|--|--|-----------------|
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br/><i>(Submit an original and a duplicate for fee processing)</i></p> <p>2. <input checked="" type="checkbox"/> Applicant claims small entity status.<br/>See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages 25 ]</span><br/><i>(preferred arrangement set forth below)</i><br/>- Descriptive title of the Invention<br/>- Cross Reference to Related Applications<br/>- Statement Regarding Fed sponsored R &amp; D<br/>- Reference to sequence listing, a table,<br/>or a computer program listing appendix<br/>- Background of the Invention<br/>- Brief Summary of the Invention<br/>- Brief Description of the Drawings ( <i>if filed</i> )<br/>- Detailed Description<br/>- Claim(s)<br/>- Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">[Total Sheets 4 ]</span></p> <p>5. Oath or Declaration <span style="float: right;">[Total Pages 1 ]</span><br/>a. <input checked="" type="checkbox"/> Newly executed (original or copy)<br/>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d))<br/><i>(for a continuation/divisional with Box 18 completed)</i><br/>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br/><small>Signed statement attached deleting inventor(s)<br/>named in the prior application, see 37 CFR<br/>1.63(d)(2) and 1.33(b).</small></p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> |                                     | <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or<br/>Computer Program <i>(Appendix)</i></p> <p>8. Nucleotide and/or Amino Acid Sequence Submission<br/><i>(if applicable, all necessary)</i><br/>a. <input type="checkbox"/> Computer Readable Form (CRF)<br/>b. Specification Sequence Listing on:<br/>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or<br/>ii. <input type="checkbox"/> Paper number of pages<br/>c. <input type="checkbox"/> Statements verifying identity of above copies</p> <p><b>ACCOMPANYING APPLICATIONS PARTS</b></p> <p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of<br/><i>(when there is an assignee)</i> Attorney</p> <p>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>12. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS<br/>Statement (IDS)/PTO-1449 Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br/><i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br/><i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122<br/>(b)(2)(B)(i). Applicant must attach form PTO/SB/35<br/>or its equivalent</p> <p>17. <input type="checkbox"/> Other:</p> |                                |                                       |                                     |   |                                |   |  |  |                 |
| <p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:</p> <table border="0"><tr><td><input type="checkbox"/> Continuation</td><td><input type="checkbox"/> Divisional</td><td><input type="checkbox"/> Continuation-in-part (CIP)</td><td>of prior application No: _____</td></tr><tr><td colspan="3">Prior application information: Examiner _____</td><td>Art Unit: _____</td></tr></table> <p>For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>  |                                     |   |                                | <input type="checkbox"/> Continuation | <input type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) | of prior application No: _____ | Prior application information: Examiner _____ |  |  | Art Unit: _____ |
| <input type="checkbox"/> Continuation  | <input type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP)   | of prior application No: _____ |                                       |                                     |   |                                |   |  |  |                 |
| Prior application information: Examiner _____  |                                     |   | Art Unit: _____                |                                       |                                     |   |                                |   |  |  |                 |
| <b>19. CORRESPONDENCE ADDRESS</b>  |                                     |   |                                |                                       |                                     |   |                                |   |  |  |                 |
| <input checked="" type="checkbox"/> Customer Number  |                                     | <div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold;">20350</div>  |                                |                                       |                                     |   |                                |   |  |  |                 |
| <div style="text-align: right;">OR <input type="checkbox"/> Correspondence address below</div>   |                                     |   |                                |                                       |                                     |   |                                |   |  |  |                 |
| Name   |                                     |   |                                |                                       |                                     |   |                                |   |  |  |                 |
| Address  |                                     |   |                                |                                       |                                     |   |                                |   |  |  |                 |
| City   |                                     | State   | Zip Code                       |                                       |                                     |   |                                |   |  |  |                 |
| Country  | Telephone                           |   | Fax                            |                                       |                                     |   |                                |   |  |  |                 |
| Name (Print/Type)  |                                     | Registration No. (Attorney/Agent)   |                                |                                       |                                     |   |                                |   |  |  |                 |
| Nena Bains   |                                     | 47,400  |                                |                                       |                                     |   |                                |   |  |  |                 |
| Signature  |                                     | Date  | January 30, 2004               |                                       |                                     |   |                                |   |  |  |                 |

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 813

## Complete if Known

Application Number \_\_\_\_\_  
 Filing Date January 30, 2004  
 First Named Inventor Whirley, Robert G.  
 Examiner Name \_\_\_\_\_  
 Art Unit \_\_\_\_\_  
 Attorney Docket No. 021630-004500US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 770      | 2001     | 385      | Utility filing fee     | 385      |
| 1002     | 340      | 2002     | 170      | Design filing fee      |          |
| 1003     | 530      | 2003     | 265      | Plant filing fee       |          |
| 1004     | 770      | 2004     | 385      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

SUBTOTAL (1)

(\$385)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid    |
|--------------------|--------------|----------------|-------------|
| 47                 | -20** = 27   | X\$9           | \$243       |
| Independent Claims | 3            | -3** = 0       | X\$43 = \$0 |
| Multiple Dependent |              | X              | \$145       |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |
|----------|----------|----------|----------|--|
| 1202     | 18       | 2202     | 9        | Claims in excess of 20                                     |
| 1201     | 86       | 2201     | 43       | Independent claims in excess of 3                          |
| 1203     | 290      | 2203     | 145      | Multiple dependent claim, if not paid                      |
| 1204     | 86       | 2204     | 43       | ** Reissue independent claims over original patent         |
| 1205     | 18       | 2205     | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$388)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Fee Code | Large Fee (\$) | Small Fee Code | Small Fee (\$) | Fee Description  | Fee Paid |
|----------------|----------------|----------------|----------------|--|----------|
| 1051           | 130            | 2051           | 65             | Surcharge - late filing fee or oath  |          |
| 1052           | 50             | 2052           | 25             | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053           | 130            | 1053           | 130            | Non-English specification  |          |
| 1812           | 2,520          | 1812           | 2,520          | For filing a request for reexamination                                     |          |
| 1804           | 920*           | 1804           | 920*           | Requesting publication of SIR prior to Examiner action                     |          |
| 1805           | 1,840*         | 1805           | 1,840*         | Requesting publication of SIR after Examiner action                        |          |
| 1251           | 110            | 2251           | 55             | Extension for reply within first month                                     |          |
| 1252           | 420            | 2252           | 210            | Extension for reply within second month                                    |          |
| 1253           | 950            | 2253           | 475            | Extension for reply within third month                                     |          |
| 1254           | 1,480          | 2254           | 740            | Extension for reply within fourth month                                    |          |
| 1255           | 2,010          | 2255           | 1,005          | Extension for reply within fifth month                                     |          |
| 1401           | 330            | 2401           | 165            | Notice of Appeal   |          |
| 1402           | 330            | 2402           | 165            | Filing a brief in support of an appeal                                     |          |
| 1403           | 290            | 2403           | 145            | Request for oral hearing   |          |
| 1451           | 1,510          | 1451           | 1,510          | Petition to institute a public use proceeding                              |          |
| 1452           | 110            | 2452           | 55             | Petition to revive - unavoidable   |          |
| 1453           | 1,330          | 2453           | 665            | Petition to revive - unintentional   |          |
| 1501           | 1,330          | 2501           | 665            | Utility issue fee (or reissue)   |          |
| 1502           | 480            | 2502           | 240            | Design issue fee   |          |
| 1503           | 640            | 2503           | 320            | Plant issue fee  |          |
| 1460           | 130            | 1460           | 130            | Petitions to the Commissioner  |          |
| 1807           | 50             | 1807           | 50             | Petitions related to provisional applications                              |          |
| 1806           | 180            | 1806           | 180            | Submission of Information Disclosure Stmt                                  |          |
| 8021           | 40             | 8021           | 40             | Recording each patent assignment per property (times number of properties) | 40       |
| 1809           | 770            | 2809           | 385            | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810           | 770            | 2810           | 385            | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801           | 770            | 2801           | 385            | Request for Continued Examination (RCE)                                    |          |
| 1802           | 900            | 1802           | 900            | Request for expedited examination of a design application                  |          |

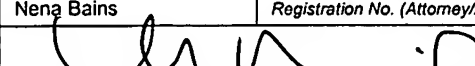
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$40)

## SUBMITTED BY

## Complete (if applicable)

|                   |   |                                   |        |           |                  |
|-------------------|---|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Nena Bains  | Registration No. (Attorney/Agent) | 47,400 | Telephone | 415-576-0200     |
| Signature         |  |                                   |        | Date      | January 30, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.